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Substitute for PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/704,888	
	Filing Date	Nov 1, 2000	
	First Named Inventor	Richard C. Jaworski	
	Group Art Unit	2133	
	Examiner Name	James C. Kerveros	
Total Number of Pages in This Submission	2	Attorney Docket Number	21-005

ENCLOSURES (check all that apply)		
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<input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Remarks:	Comments Letter on Examiner's Statement of Reasons for Allowance

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	The Law Offices of Mikio Ishimaru		
Individual name	Mikio Ishimaru		
Signature	<i>Mikio Ishimaru</i>		
Date	November 15, 2005	Reg. No.	27,449

CERTIFICATE OF MAILING OR TRANSMISSION

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Docket No.: 21-005
Express Mail Label No.: EV 782638737 US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Richard C. Jaworski, et al. : Confirmation No.: 4649
Serial No.: 09/704,888 : Art Unit: 2133
Filed: 11/1/2000 : Examiner: James C. Kerveros
For: System and Method for Testing the Upstream Channel of a Cable Network

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COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

DOES NOT AFFECT PATENT TERM ADJUSTMENT
Under 37 CFR 1.704(c)(10)

Sir/Madam:

The following Comments are submitted in response to the Notice of Allowability dated August 15, 2005. Applicants respectfully request no reduction of the Patent Term Adjustment in accordance with Clarification of 37 CFR 1.704(c)(10) – “Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance has been Mailed”, 1247 Official Gazette Patent Office 111 (June 26, 2001), which states:

“The submission of the following paper after a Notice of Allowance is not considered a failure to engage in reasonable efforts to conclude processing or examination for an application: ...(6) a response to the examiner’s reasons for allowance or a request to correct an error or omission in the ‘Notice of Allowance’ or ‘Notice of Allowability’... [underlining and deletion for clarity]

COMMENTS

Concerning the Examiner’s statement of reasons for allowance, it is respectfully submitted that claims 1,2, and 4-13 renumbered as claims 1-12 are allowable because they claim a combination, which includes, *inter alia*, concepts related to those addressed by the Examiner.

Respectfully submitted,

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Date: November 15, 2005